



1642

Patent  
Attorney's Docket No. 032775-091

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of

Coffey et al.

Application No.: 10/076,074

Filed: February 15, 2002

For: Sensitization of Chemotherapeutic Agent  
Resistant Neoplastic Cells with a Virus

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)  
) Group Art Unit: 1642

)  
) Examiner: Unassigned

)  
) Confirmation No.: 8487

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MAY 05 2003

TECH CENTER 1600/2900

INFORMATION DISCLOSURE STATEMENT  
TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed is a Supplemental Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☒ No additional fee for submission of an IDS is required.
- ☐ The fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A certification under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A certification under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge \$\_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed for the fee due.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(650) 622-2300

By: \_\_\_\_\_

Ping F. Hwung, Esq.  
Registration No. 44,164

Date: April 29, 2003



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In re Patent Application of )  
Coffey et al. ) Group Art Unit: 1642  
Application No.: 10/076,074 ) Examiner: Unassigned  
Filed: February 15, 2002 ) Confirmation No.: 8498  
For: SENSITIZATION OF CHEMOTHERAPEUTIC )  
AGENT RESISTANT NEOPLASTIC CELLS )  
WITH A VIRUS )

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

1. WO 00/50051 A2 published 08-31-2000.
2. WO 96/07322 A1 published 03-14-1996.
3. Fujiwara, T., et al., Induction of Chemosensitivity in Human Lung Cancer Cells *in Vivo* by Adenovirus-mediated Transfer of the Wild-Type *p53* Gene<sup>1</sup>, *Cancer Research* **54**:2298-2291 (1994).
4. Heise, C., et al., Efficacy with a Replication-selective Adenovirus Plus Cisplatin-based Chemotherapy: Dependence on Sequencing but not *p53* Functional Status or Route of Administration, *Clinical Cancer Research* **6**:4908-4914 (2000).
5. Kirn, D., Replication-selective oncolytic adenoviruses: virotherapy aimed at genetic targets in cancer, *Oncogene* **19**:6660-6669 (2000).

Supplemental Information Disclosure Statement

Application No. 10/076,074

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Page 2

These documents are being submitted before a first Office Action on the merits, therefore no fee is required under 37 C.F.R. § 1.97(b). In the event an Office Action is mailed by the United States Patent and Trademark Office prior to receipt of this Information Disclosure Statement, Applicants hereby make the statement specified in 37 C.F.R. § 1.97(e) that each document contained herein was first cited in the International Search Report for the corresponding PCT application (PCT/CA02/00201) within 3 months of the filing date of this Information Disclosure Statement. Therefore, no fee is required under 37 C.F.R. § 1.97(c). A copy of this International Search Report is also enclosed herewith.

For the purpose of patent term adjustment, Applicants also wish to point out that this Supplemental Information Disclosure Statement is being filed within 30 days of receipt of the aforementioned International Search Report by Applicants or Applicants' representatives.

By citing the above references, Applicants do not acquiesce or admit that any of these documents is "prior art" under 35 U.S.C. Applicants specifically reserve the right, where appropriate, to antedate any of the cited documents by an appropriate showing under 37 C.F.R. § 1.131, § 1.604, § 1.608 or any other suitable means.

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Ping F. Hwang  
Registration No. 44,164  
Attorney for Applicants  
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P.O. Box 1404  
Alexandria, Virginia 22313-1404  
Date: April 29, 2003

APPLICATION No.  
10/076,074

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

APPLICANT  
Coffey et al.

FILING DATE  
February 15, 2002

GROUP  
1642

APR 30 2003  
PATENT & TRADEMARK OFFICE

<b>TRADE MARK</b> <b>Examiner</b> <b>Initials</b>	U.S. Patent Document		<b>Name of Patentee or Applicant</b> <b>of Cited Document</b>	<b>Date of Publication</b> <b>(MM-DD-YYYY)</b>
	Number	Kind Code (if known)		

Examiner Initials	Foreign Patent Document		Country	Date of Publication (MM-DD-YYYY)	Translation	
	Number	Kind Code (if known)			Yes	no
	WO 00/50051	A2	PCT	08-31-2000	X	
	WO 96/07322	A1	PCT	03-14-1996	X	

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U.S. Patent Document

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Kind Code  
(if known)Name of Patentee or Applicant  
of Cited Document

Date of Publication  
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## FOREIGN PATENT DOCUMENTS

Examiner  
Initials

Foreign Patent Document

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(if known)

Country

Date of Publication  
(MM-DD-YYYY)

### Translation

Yes	no
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WO 00/50051

A2

PCT

08-31-2000

**X**

WO 96/07322

A1

PCT

03-14-1996

X

## NON PATENT LITERATURE DOCUMENTS

Examiner  
Initials

Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

Fujiwara, T., et al., Induction of Chemosensitivity in Human Lung Cancer Cells *in Vivo* by Adenovirus-mediated Transfer of the Wild-Type *p53* Gene<sup>1</sup>, *Cancer Research* 54:2298-2291 (1994).

Heise, C., et al., Efficacy with a Replication-selective Adenovirus Plus Cisplatin-based Chemotherapy: Dependence on Sequencing but not p53 Functional Status or Route of Administration. *Clinical Cancer Research* 6:4908-4914 (2000).

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